IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PIL WRIT PETITION NO.95 OF 2006

Abdul Khalique Ansari and ors ....Petitioners
versus
State of Maharashtra and Ors ....Respondents

Mr A M Saraogi for the petitioners
Mr. R.M.Sawant, Government Pleader with
Mr. Mr.K.R.Belosey Asst.Govt. Pleader for respondents.

CORAM: KSHITIJ R. VYAS, C.J., &
ABHAY S. OKA,J.

DATE: JULY 12, 2006.

P.C.:-

Heard the learned counsel for the parties. In the affidavit filed by Mr. Bansi Bhaguji Gagwali, Deputy Collector (Encroachment/Removal), Bandra, in paragraph 4 has stated as under:

"I say that with a view to rehabilitate the slum dwellers, their eligibility had to be decided in accordance with the policy of the State Government. I say that the work of deciding the eligibility had commenced in December 2005- January 2006, calling upon the encroachers to produce the documents in support of their case that they had their structures on said site existed prior to 1.1.1995.

I say that thereafter, the work of deciding the eligibility of the encroachers was undertaken by me as the Deputy Collector (ENC) of the said area. I say that whilst the work of deciding the eligibility was under process,a direction was issued to me by the MMRDA that the eligibility should be decided on thel basis of the cut-off date of 1.1.2000 instead of 1.1.1995. This direction was issued by the MMRDA in consonance with the Government decision as contained in the Govt. Resolution dated 14th November 2005 which is made applicable to the MUIP Project. I say that after receipt of the said decision, I again directed my staff to put up public notices on site on 16th January, 2006 calling upon the encroachers to submit documents, if necessary to show in support of their case that kthey had their structure in existence on site prior to 1.1.2000".

The learned Government Pleader states that the aforesaid new policy shall apply to all affected persons. He further states that those cases, where applications have been rejected, the aggrieved persons, may approach the appellate authority i.e. Divisional Commissioner, Konkan Division. Hence, the aggrieved persons are free to approach the said authority with necessary/ relevant documents. As and when they approach the said authority their cases shall be considered on the basis of the new policy quoted above, as expeditiously as possible,

preferably within a period of six weeks from the date of the receipt of such appeal/ representation. In view of this the grievance voiced in this petition is duly met with. Petition is accordingly disposed of.

CHIEF JUSTICE

ABHAY S. OKA, J.